THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No.16529 of 2007

DATED: 02.08.2007

Between:
G.Eliya and another

... PETITIONER

AND

The Secretary and another.

... RESPONDENTS

ORDER:

The vehicles of the petitioners bearing registration Nos.A.P.36-D-232 and A.P.36-T-5194 respectively were seized, through the Vehicle Check Report, dated 13.04.2007, on the ground that the petitioners failed to produce the necessary documents in relation to it. The petitioners challenge the seizure.

Heard the learned counsel for the petitioners and the learned Government Pleader for Transport.

A perusal of the Vehicle Check Report, dated 13.04.2007, discloses that the petitioners did not produce F.C., I.C., P.U.C., driving licence, permit and proof of payment of tax. Certain other lapses were also pointed out. The liability of the petitioners in the context of these observations needs to be established in the proceedings to be initiated under the relevant provisions of the Motor Vehicles Act. If the vehicles are detained and kept in the custody of the second respondent, till such proceedings take place, not only the petitioners would be put to irreparable loss, but also the vehicles would be exposed to the danger of theft and damage. The interest of the State can be protected by imposing

necessary conditions while permitting the petitioners to keep the custody of the vehicles.

For the foregoing reasons, the writ petition is disposed of, directing that;

a) the vehicles of the petitioners bearing registration Nos.A.P.36-D-232 and A.P.36-T-5194 respectively shall be released, on their depositing a sum of Rs.5,000/- (Rupees Five Thousand Only) and on payment of tax due, if any; and

b) the petitioners shall also furnish an undertaking to the effect that they shall not alienate the vehicles till the proceedings in pursuance of the impugned order are finalized and that they shall produce the vehicles as and when required.

There shall be no order as to costs.

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02.08.2007

Note: Issue in three days.
(B/o)
Kdl